



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/811,648	03/05/1997	DAN KIKINIS	P1523CIP	1380

24739 7590 07/17/2003

CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004

EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 07/17/2003

35

Please find below and/or attached an Office communication concerning this application or proceeding.

fu

Office Action Summary

Application No.

08/811,648

Applicant(s)

KIKINIS, DAN

Examiner

William C. Vaughn, Jr.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-9 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

WCV

DETAILED ACTION

1. This action is in response to the Request for Reconsideration received on 01 May 2003.

Terminal Disclaimer

2. The Examiner acknowledges Applicant's terminal disclaimer received on 01 May 2003.

Response to Arguments

3. Applicant's arguments as well as the Declaration under 37 CFR 1.132 Affidavit 9see papers 32 and 33) with respect to claims 1-4, 7-9 and 13-17 have been considered but are moot in view of the new ground(s) of rejection. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicants' main points of contention.

- a. Applicant argues that the incoming signals received by the Bridge adapter unit of Goodman, are already in the form of LAN protocol signal.

It is evident from the detailed mappings found in the above rejection(s) that Goodman-Eames disclosed this functionality. Further, it is clear from the numerous teachings within the currently cited art that the provision for a bridge adapter unit receiving public network protocol signals and that the bridge adapter unit drives telephone wiring structure according to a local area network (LAN) protocol, and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points drive from a single point at the bridge adapter unit, was widely implemented in the networking art [see Eames, Col. 4, lines 3-45]. Thus, Applicant's arguments drawn toward distinction of the claimed invention and the newly cited prior art teachings use in the rejection on this point are not considered persuasive.

Art Unit: 2143

Claim Objections

4. **Claim 1** is objected to because of the following informalities: In the line 13, it recites the limitation “translating converting”. This limitation is confusing as presently written. The Examiner will interpret this to mean, “translating and converting”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1, 4, 7-9 and 13-17** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the signals" in line 11. There is insufficient antecedent basis for this limitation in the claim. The Examiner will interpret this limitation to mean “the public network protocol signal”.

Claim 7 recites the limitation “the level” in line 5. There is insufficient antecedent basis for this limitation in the claim. The Examiner will interpret this limitation to means “a level”.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter

Art Unit: 2143

sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-4, 7-9 and 13-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman, U.S. Patent No. 5,844,596 in view of Eames et al. (Eames), U.S. Patent No. 6,317,884.

9. Regarding **claim 1**, Goodman discloses the invention substantially as claimed. Goodman discloses *a networking system for a home or business site* [see Goodman, Abstract, Col. 3, lines 1-56], *comprising: a bridge adapter unit* [see Goodman, item 400] *having an inlet port for receiving signals* [see Goodman, Col. 8, lines 9-10]; *and a telephone wiring structure in the site, the wiring structure having multiple end points and one or more junctions* [see Goodman, Col. 8, lines 1-25]. Even though, Goodman does disclose a system that allows for distribution of other signals to a local network of an active telephone line and that the signals that are received are in the form of a local area network protocol. However, Goodman does not explicitly disclose the specifics of a bridge adapter unit receiving public network protocol signals and that the bridge adapter unit drives telephone wiring structure according to a local area network (LAN) protocol, and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points drive from a single point at he bridge adapter unit.

10. In the same field of endeavor, Eames discloses (e.g., a residential gateway for distributing video, data and telephony services). Eames discloses *a bridge adapter unit receiving public network protocol signals* [see Eames, Col. 4, lines 3-45] *and the bridge adapter unit driving the telephone wiring structure according to a local area network (LAN) protocol, translates the public network protocol signals to the LAN protocol, and modulates the signals in a manner to*

Art Unit: 2143

correct signal variations at the end points due to having multiple end points driven from a single point at the bridge adapter unit [see Eames, Col. 4, lines 3-65].

11. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Eames' teachings of a residential gateway for distributing video, data and telephony services with the teachings of Goodman, because of the need to provide a centralized unit in the home which can provide video, data, and telephone services communicating with the centralized unit from different locations within the home [see Eames, Col. 1, lines 42-46]. Goodman would have been motivated to do so, since he states that the invention further adds to techniques for distribution of signals to a local area network of active telephone wiring [see Goodman, Col. 1, lines 55-67]. By this rationale **claim 1** is rejected.

12. Regarding **claim 2**, Goodman-Eames further discloses *one or more converters* [see Goodman, item 452] *connected at individual ones of the end points, the one or more converters comprising each an outlet port to connect to a single-media or a multimedia device, the converters converting the LAN signals to a form required by the single-media or multi-media device* (Goodman teaches converters that convert signals from voice-band and transmits them through filters to local network where they communicate with the telephone device), [see Goodman, Col. 4, lines 60-67, Col. 5, lines 1-15, Col. 11, lines 65-67, Col. 12, lines 1-8 and Col. 54, lines 56-67]. By this rationale **claim 2** is rejected.

13. Regarding **claim 3**, Goodman-Eames further discloses *one or more single-media or multi-media devices connected to one or more of the converters* [see rejection of claim 2, supra]. By this rationale **claim 3** is rejected.

Art Unit: 2143

14. Regarding **claim 4**, Goodman-Eames further discloses *wherein the single-media and multi-media electronic devices include one or more of telephones (see Eames, item 194), personal computers (see Goodman, item 495c), fax machines (Official Notice, since this feature is extremely well known in the networking art), and televisions running through set top boxes* [see Goodman, Figure 15, Col. 9, lines 47-54]. By this rationale **claim 4** is rejected.

15. Regarding **claim 14**, Goodman-Eames further discloses *wherein individual ones of the converters are internal modules of individual ones of the single-media or multimedia devices* [see Goodman, Col. 15, lines 16-60]. By this rationale **claim 14** is rejected.

16. Regarding **claim 15**, Goodman-Eames further discloses *wherein individual ones of the converters are integrated into individual ones of the single-media or multi-media devices* [see rejection of claim 13, supra]. By this rationale **claim 15** is rejected.

17. **Claims 7-9, 16 and 17** list all the same elements of **claims 1-4, 14 and 15**, but in method form rather system form. Therefore, the supporting rationale of the rejection to **claims 1-4, 14 and 15** applies equally as well to **claims 7-9, 16 and 17**.

Conclusion

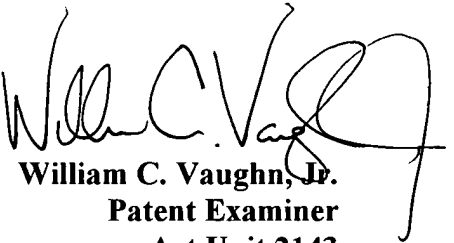
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone numbers for the

Art Unit: 2143

organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

A handwritten signature in black ink, appearing to read "William C. Vaughn, Jr.", is written over the printed name and title.

William C. Vaughn, Jr.
Patent Examiner
Art Unit 2143
July 10, 2003